

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

A. BLM Office: Phoenix Field Office **Lease/Serial/Case File No.** AZA-33111

Proposed Action Title/Type: 43 CFR 3600 Mineral Materials Sale

Location of Proposed Action: T. 4 N, R. 1 E., Section 19, Lots 5-10, 14-20, GSRM

Description of the Proposed Action: Issue a mineral materials contract to Richard Finley for 150,000 tons of sand & gravel from private surface / federal minerals lands. Contract AZA-33111 replaces current contract AZA-32847 which is nearing completion of extraction of the contracted for amount. of 300,000 tons. This contract allows for the continuance of ongoing operations.

Applicant (if any): BLM Phoenix Field Office

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

LUP Name* Proposed Phoenix RMP & Final EIS Date Approved August 29, 1989

LUP Name* Metropolitan Phoenix Mineral Management Program Guidelines

Date Approved January 1995

Other document** _____ Date Approved: _____

Other document** _____ Date Approved: _____

Other document** _____ Date Approved: _____

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:

Sales of mineral materials to the public would continue to be administered on a case-by-case basis under regulations in 43 CFR 3600. Generally, saleable minerals are sold at market prices.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action:

Environmental Assessment AZ-024-95-053, Finley Hibbert Investments Sand and Gravel Sale, approved October 23, 1995.

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

N/A

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Documentation of answer and explanation:

Yes. Proposed action is substantially the same as previously covered in Environmental Assessment AZ-024-95-053.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation:

Yes. Proposed action is consistent with actions previously covered and reviewed in Environmental Assessment AZ-024-95-053.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation:

Yes. The proposed action is consistent with actions previously covered and reviewed in Environmental Assessment AZ-024-95-053.

Subjects which were not addressed at the time of the original EA are as follows:

Energy Impact – The proposed action will have no impact on the development, production, supply and/or distribution of energy resources.

Environmental Justice – In compliance with Executive Order 12898, the Phoenix Field Office identified no minority or low-income populations that could be disproportionately affected by the proposed action. The BLM determined that there are no significant numbers of minorities or low income populations identified living in the affected area.

Invasive, Nonnative Weeds – The Bureau policy regarding management of invasive, nonnative weeds as found in “Partners Against Weeds (PAW) Action Plan, January 1996”, states that “an analysis of the potential for weed spread must be examined and established as an environmental consequence of proposed actions. Measures and stipulations to minimize the spread of weeds must be provided. This contract includes a standard stipulation to address invasive weeds.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation:

Yes. Proposal is the same as previously reviewed. All lands and resources affected under the new contract were included and addressed under EA AZ-024-95-053. The new contract is a continuation of current existing activities.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation:

The direct and indirect impacts of the current proposal are substantially unchanged. Proposed actions are a continuation of those previously covered in Environmental Assessment AZ-024-95-053. No new areas are involved as all affected lands were covered by the existing EA.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation:

Yes. The cumulative impacts of the current proposed action is unchanged because actions will continue to be similar as that previously covered in Environmental Assessment AZ-024-95-053.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Documentation of answer and explanation:

N/A. Previous NEPA document did not require public involvement or interagency review.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
<u>David Eddy</u>	<u>Geologist</u>	<u>Minerals</u>

F. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

See attached stipulations.

CONCLUSION

☒ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

Signature of the Responsible Official

Date

DECISION. I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is either (a) in conformance with or (b) clearly consistent with terms, conditions, and decisions of the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

Mitigation Measures/Other Remarks: NONE

Authorized Official: _____ Date: _____

Special Stipulations, Contract AZA-33111

1. Mining at the subject mine site shall be in conformance with the approved Phoenix San Man – Plant 12 plan of operations, which is on file at the Phoenix Field Office, and in accordance with the stipulations herein after set forth.
2. The operator will obtain and keep current and in good standing all permits required by State, City, County, and other Federal agencies and will abide by stipulations as set forth in said permits. Purchaser will comply with all applicable Federal, state and county pollution standards and permits. If surface estate owner is other than the purchaser, the purchaser shall retain and keep current written agreements from the surface estate owners granting permission for occupancy necessary for the mineral materials operation.
3. Purchaser shall take fire precaution and conservation measures and shall appropriately dispose of slash or other debris resulting from operations.
4. BLM's authorization does not imply that Federal approval has been granted to the operator or their customers the right to transport trucks and rock products across any City, County, State, private or other Federal property or roads. Buyer or their customers shall be held liable for any damages to such property.
5. BLM's approval of the operator's proposed Plan and authorization of a sales contract shall not be construed to effect a preemption of Arizona State laws and regulations or to imply that BLM has granted any approvals normally under the purview or regulatory authority of City, County or other Federal agencies.
6. Any cultural and/or paleontological resource (prehistoric or historic site or object) discovered by the holder, or any person working on his behalf, on the subject lands shall be reported immediately to the Bureau of Land Management's authorized officer. It is unlawful to disturb, deface, or remove these cultural and paleontological resources unless authorized by the Bureau of Land Management under a cultural resources use permit. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

The area encompassing the historical canal, as shown in An Archeological Inventory of the Finley Sand and Gravel Operation of the Lower Agua Fria River in Northern Maricopa County, Arizona, by James B. Rodgers, cultural site AZ T:7:55 (ASM), will be avoided by the mining operations. If the surface owner wishes to mine the mineral materials from this area, the BLM will need to go through Section 106 consultations with the State Historic Preservation Officer to determine a strategy for mitigating adverse impacts or to determine the possibility of mitigating adverse impacts.

7. Access to the material site area shall be provided to BLM in order to conduct routine inspections of the extraction and removal of minerals, for the review of production records and sales data, or for the purpose of inspection or inventory of other resource values. Inspections may be unscheduled and will generally be conducted during normal working hours. Such inspections are not normally expected to stop or impede normal mining and processing functions by the company.

8. The monthly production and royalty is due BLM at this office and shall be reported as follows:

- A list shall be provided to BLM showing all sales of materials mined and transported. Listing shall include the date, the customer's\ buyer name, the invoice number, product description and product weight in cubic yards. A total weight shall be indicated for the month reported.

- If no sales occur during a particular month that should also be indicated by submitting a statement that there were no sales across the scales that month.

9. Purchaser shall defend, and hold harmless the United States and/or its agencies and representatives against and from any and all demands, claims, and liabilities of every nature whatsoever, including, but not necessarily limited to, damage to property and injuries or death of persons arising from any activity connected with the purchaser's use or occupancy of the lands described in this contract, or with the activity authorized under this contract.

10. The area will be reclaimed in accordance with the surface owner requirements and in accordance with Maricopa County Flood Control and Army Corps of Engineers permitting requirements.

11. Solid waste will be disposed of in accordance with local laws. The applicant shall promptly remove and dispose of all waste caused by its activities as directed by the authorized officer. The term waste as used herein means all discarded matter, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the authorized officer. No burial of wastes on site is allowed. The area shall be maintained at all times in a condition that is not hazardous to humans or livestock.

12. Prior to removal of protected plants, the operator must have prior approval and the necessary authorizations issued by the State of Arizona. The Purchaser must notify the Arizona Department of Agriculture and Horticulture 30 days before the beginning surface disturbance for possible salvage of Arizona protected plants.

13. If noxious weeds or invasive plants are detected during an inspection, operator shall be required to implement weed control, prevention, and treatment factors to remove the seed source and limit seed transport into the project site. Suitable weed treatment and prevention techniques will be established by the BLM.

14. The operator shall implement plans and procedures to reduce the potential effects of spills or accidents which might include site security and safety measures, fire protection procedures, emergency response and notification procedures, best management practices for materials, transportation, handling and storage, contingency planning for accidental discharges and spill prevention control countermeasure planning. In the event of an accidental discharge or spill, the on-site emergency coordinator will direct the immediate cleanup. A list of emergency phone numbers will be on-site and readily accessible. Good housekeeping rules will be followed to keep chemicals and waste material from entering any drainage areas. This may include providing sediment ponds, implementing proper disposal of oil and grease and use of lined pits for chemical storage. Care will be taken to ensure that no oil, grease, used filters or antifreeze can contaminate the soil. All used items will be properly stored and disposed of.

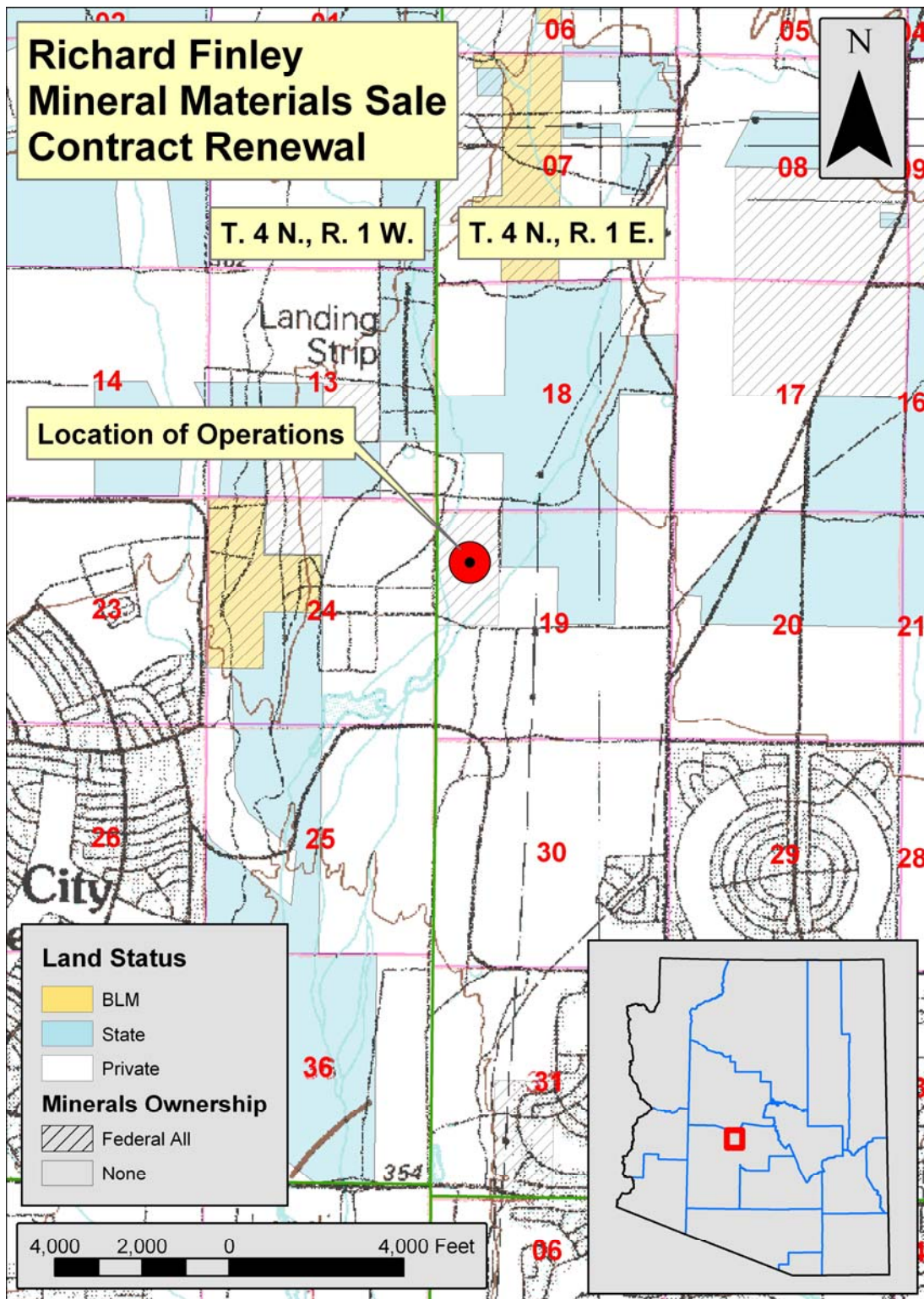


Figure 1. Location of operation.